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NSC Letter 10/23/72  
BYL [illegible] Date 4/2/97

July 22, 1971

MEMORANDUM FOR: HENRY A. KISSINGER  
FROM: W. R. SMYSER & WINSTON LORD  
SUBJECT: Report on Where We Stand in Paris

Attached, per your request, is a report on where we stand on each of the principal issues which are contained in our seven points and their nine points in Paris. The report shows what the basic positions of both sides are, what was said at the July 12 meeting on both sides, and where we now appear to stand, including outstanding problems.

We will put a copy of this into your briefing book along with other appropriate background material.

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NVN AND US POSITIONS ON KEY ISSUES  
(through July 12, 1971)

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WITHDRAWAL OF FORCES

Their Position

Point 1: "The withdrawal of the totality of U. S. forces and those of foreign countries in the U. S. camp from South Vietnam and other Indochinese countries should be completed within 1971."

Point 6: "The problems existing among the Indochinese countries should be settled by the Indochinese parties on the basis of mutual respect for the independence, sovereignty, territorial integrity and non-interference in each other's affairs. As far as it is concerned, the Democratic Republic of Vietnam is prepared to join in resolving such problems."

Our Position

Point 1: "We are prepared to set a terminal date for the withdrawal of all our forces from South Vietnam. We would arrange for roughly the same timetable for the withdrawal of other Allied forces."

Point 2: "The Vietnamese and the other peoples of Indochina should discuss among themselves the manner in which all other outside forces would withdraw from the countries of Indochina."

Their July 12 Statements

"If we propose 1971, let you now propose another date and we shall examine the dates to see which one is more reasonable."

Tho specifically said that they had not agreed to our Point 2, and proposed their Point 6 instead.

The withdrawal should not be linked to a general cease-fire, which should follow only upon a general agreement.

Our July 12 Statements

"We are prepared to give you a date for the total withdrawal of U. S. and allied forces as the first item of business once we have come to an

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agreement on the framework. We agree that this be the first item of business and that it would be mutually agreed. "

"The Minister has let his optimism run away with him." (re 1971)

"We maintain Point 2 of our 7 point proposal." We pointed out that it was Point 3 of their old 10 points.

"We believe that the principle should be accepted that the troops of each of the countries of Indochina should stay within their borders. But we agree that the details of this can be discussed among the countries of Indochina. "

#### Current Situation

We have accepted Hanoi's demand that we set a date, but this agreement or ambiguity remains about:

- The negotiating conditions under which we will set it.
- The date itself.
- The arrangements for withdrawal of "all other forces."
- Relationship between withdrawals and a general ceasefire
- The withdrawal of US/allied military equipment and disposition of bases.
- The pace and composition of withdrawals within the agreed timetable.
- U.S. MAAG.

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NVN AND US POSITIONS ON KEY ISSUES  
(through July 12, 1971)

POW'S

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Their Position

Point 2: "The release of all military men and civilians captured in the war should be carried out in parallel and completed at the same time as the troop withdrawals mentioned in Point 1."

Our Position.

Point 7: "I want to reiterate our proposal for the immediate release of all prisoners of war and innocent civilians held by both sides throughout Indochina. We believe this issue should be settled immediately on a humanitarian basis. If this is not done, the men must be released as an integral part of the settlement we are proposing in our final offer. We would expect:

-- Your side would present a complete list of all prisoners held throughout Indochina on the day an agreement is reached.

-- The release of the prisoners would begin on the same day as our withdrawals under the agreed timetable.

-- The release of prisoners would be completed at least two months before the completion of our final withdrawals."

Their July 12 Statements

Le Duc Tho: "You proposed the release of POWs and innocent civilians on both sides. We propose this be carried out as far as Vietnam is concerned. You propose for all of Indochina. For the release of POWs, we propose that you set a date for troop withdrawal."

Our July 12 Statements

"As for the second point, we accept your formulation with two elaborations which are drawn from our seven points. The elaborations are as follows:

-- Both sides would present a complete list of military men and innocent civilians held throughout Indochina on the day agreement is reached.

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-- The release of these prisoners would begin on the same day as our withdrawal under the agreed timetable and would end on the day our withdrawals are completed.

"You will notice that we have dropped the provision that the POWs be released two months before withdrawals conclude, as a gesture of goodwill and in order to speed progress."

Current Situation

It is generally agreed that POWs will be released concurrently with our troop withdrawals. But three issues remain:

-- What happens to our men held in Laos and Cambodia? Hanoi says our troops should leave there but it says nothing about our POWs.

-- What about the Viet Cong held in South Vietnam? The GVN will be extremely reluctant to release the 30,000 to 40,000 "civilians" it holds, many of whom are Viet Cong political and terror agents, unless it can turn them over to North Vietnam or get them out of the body politic in some way. That is why we have used the phrase "innocent civilians" in our statements whereas Hanoi has simply spoken of "civilians."

-- They have not agreed to provide complete lists on the day agreement is reached.

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NVN AND US POSITIONS ON KEY ISSUES  
(Through July 12, 1971)

THE POLITICAL ISSUE

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Their Position

Point 3: "In South Vietnam the U.S. should stop supporting Thieu/Ky/Khiem so that there may be set up in Saigon a new Administration standing for peace, independence, neutrality, and democracy. The PRG will enter into talks with that Administration to settle the internal affairs of South Vietnam and to achieve national concord."

Our Position

Not listed in our seven points.

Their July 12 Statements

Xuan Thuy: "I move that we should discuss at the same time the military problem and the political problem."

Le Duc Tho: "The change of Thieu is the yardstick of your desire to make peace or to continue the Vietnamization of the war. . . We can tell you that if now you settle the question of the change of Thieu, we shall settle the question of the war not only in Vietnam but also in other countries of Indochina in a rapid way and a very satisfactory way. . . I tell you in a serious way that you have to replace Thieu. . . "[Then] "we shall make a big step forward and settle the problem rapidly and to the satisfaction of both parties."

Le Duc Tho: "If now you decide explicitly that you will change Thieu, then we shall immediately make our response."

Le Duc Tho: "If you do not agree it will be difficult to make progress . . . We and the PRG want to talk with a government in South Vietnam standing for peace and for serious negotiations. . . But with Thieu it is impossible to bring peace."

Le Duc Tho: "Because of the forthcoming elections if you want to change him, this is the opportunity to do that."

Xuan Thuy: "Another way, is if you will persuade Thieu not to present himself in the forthcoming elections. That is an easier way."

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Our July 12 Statements

"We could accept the principle of your point three in its general sense. We could agree that we are not committed to any one government in Saigon but to work in the same way with any government which exists there. We are willing to agree to a defined relationship with whatever government there is in Saigon after a peace agreement is signed. That is to say we are willing to define the precise economic, military and political relationship which a South Vietnamese government can have with us under conditions of peace. . .

"In this connection, we are prepared to look seriously at some of the thoughts contained in points 4B and 5 of the proposal presented by Mme. Binh on July 1, which recall the 1954 Geneva injunctions against foreign military alliances, foreign military bases and foreign forces.

"That is as far as we can go and as much as you can realistically expect."

"I want to point out, too, that you must have some confidence in the political evolution in Saigon, and my visit to Saigon has convinced me that the best way to begin that political evolution is to come to an agreement this summer."

"Finally, for your information, we are not opposed to the ideas about the reunification of Vietnam contained in paragraph 4A of Mme. Binh's statement."

"Concretely, what do you mean by changing the government? What are we supposed to do?"

"If, for example, you say we should not support any one candidate in the election we can easily do it. We can keep such a promise if we make it. We can make sure that we will not support him and you will know whether we are doing it or not."

"We are willing to declare that we are not supporting any one government in Saigon. But we would like to express the point in specific restrictions that we can have with whatever government exists in Saigon, no matter how it came into power. This would apply to the existing government or to any other government that might appear.

"I have pointed out that some of the ideas expressed in points 4B and 5 of Mme. Binh's proposal could form a basis of discussions."

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Current Situation

This issue is deadlocked. They still want us to do their political work for them by getting rid of Thieu in one way or another, whereas we are pushing the evolution of the political process.

They have dropped Ky and Khiem from their formulation; no longer speak of coalition government (or even one of "national concord"); and have used both "replace" and "stop supporting" with regard to Thieu.

We have said we would be neutral in the elections (they retort that this amounts to supporting Thieu); will abide by the election results, whatever they are; will agree to neutrality for South Vietnam and eventual reunification with North Vietnam; and are ready to define our political, economic and military relationship with whatever government exists in South Vietnam.

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NVN AND US POSITIONS ON KEY ISSUES  
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REPARATIONS/ECONOMIC AID

Their Position

Point 4: "The United States Government must bear full responsibility for the damages caused by the United States to the peace of the whole of Vietnam. The government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam demand from the U.S. Government reparations for the damage caused by the U.S. in the two zones of Vietnam."

Our Position

Not covered in our seven points.

Their July 12 Statements

Xuan Thuy: Regarding point four, you said the U.S. would grant economic aid to the Indochina countries. It is a voluntary act on the part of the U.S. Government. But as far as we are concerned we want something more precise. What is the essence of your statement?"

Xuan Thuy: Do you mean economic aid without repayment?"

Our July 12 Statements

"Let me talk about point four next. I believe that it is a point that will be easy in substance but difficult if you involve it with our honor. We cannot accept that as a condition of peace that we should pay reparations to end a war. On the other hand, we are prepared to declare unilaterally that we will engage in a substantial program of economic rehabilitation of the countries of Indochina. I frankly have not discussed with the President how to do this, but I have the following ideas.

"For example, the President could either make a statement in which he would declare that upon conclusion of the war we would set aside a certain sum for rehabilitation of Indochina, or make a speech asking Congress to express support for this. And this, in my judgment, could be quite a substantial sum, but I would like to discuss in Washington what the sum would be, if you are interested.

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"But we can do this only as a voluntary act, and not as a result of pressure. And I believe it is also in the interest of both our countries because this could lay the basis for a new relationship between us."

(After Xuan Thuy asks about whether it would be without repayment):  
"Substantially, yes." (Xuan Thuy: "OK.") "But I want to check the details. I think this is no problem. I don't think repayment will be a problem."

Current Situation.

There is agreement that we will initiate substantial aid program after the war, and Hanoi will probably accept this in lieu of reparations. This would leave:

- The amount of our aid.
- Its conditions.

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NVN AND US POSITIONS ON KEY ISSUES  
(through July 12, 1971)

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CEASEFIRE AND INTERNATIONAL SUPERVISION

Their Position

Point 7: "All the parties should achieve a ceasefire after the signing of the agreements on the above mentioned problems."

Point 8: "There should be an international supervision."

Our Position.

Point 3: "There should be a ceasefire in place throughout Indochina, to become effective at the time when U.S. withdrawals based on the final agreed timetable begin."

Point 4: "As part of the ceasefire, there should be no further infiltration of outside forces into the countries of Indochina."

Point 5: "There should be international supervision of the ceasefire and its provisions."

Their July 12 Statements

Le Duc Tho: "One of your points deals with, you say that there should be, international supervision of the ceasefire and its provisions. We agree in principle on this point, but on when and how a ceasefire will start, there is still disagreement between us."

Our July 12 Statements:

"We accept point seven in principle, but we want to define it as follows on the basis of our points three and four: there should be a general ceasefire throughout Indochina, to begin when an agreement is signed. As part of that ceasefire, there should be no further infiltration of outside forces into all the countries of Indochina."

Current Situation

There is agreement that there should be a ceasefire, with the following issues still to be resolved:

-- When does the ceasefire begin?

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-- What forces ceasefire, and upon whom?

-- Does the ceasefire include cessation of infiltration?

-- Is the ceasefire valid throughout Indochina or just Vietnam?

-- Reconnaissance flights. (On May 31 Xuan Thuy said that these flights can lead to war and that the DRV, as a sovereign country, "cannot bear reconnaissance flights over our country.")

-- Better understanding of international (and other) supervision.

-- Better understanding on type of ceasefire (e.g., in-place or regroupment.)

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NVN AND US POSITIONS ON KEY ISSUES  
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INDOCHINA, THE GENEVA ACCORDS, AND

INTERNATIONAL GUARANTEES

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Their Position

Point 5: "The U.S. should respect the 1954 Geneva Agreements on Indochina and those of 1962 on Laos. It should stop its aggression and intervention in the Indochinese countries and let their people settle by themselves their own affairs."

Point 6: "The problems existing among the Indochinese countries should be settled by the Indochinese parties on the basis of mutual respect for the independence, sovereignty, territorial integrity and non-interference in each other's affairs. As far as it is concerned, the Democratic Republic of Vietnam is prepared to join in resolving such problems."

Point 9: "There should be an international guarantee for the fundamental national rights of the Indochinese peoples, the neutrality of South Vietnam, Laos, and Cambodia, and lasting peace in this region."

Our Position

Point 6: "Both sides should renew their pledge to respect the 1954 and 1962 Geneva Accords, to respect the neutrality, territorial integrity, and independence of Laos and Cambodia. This could be formalized at an international conference."

Their July 12 Statements

LDT: "As for your Point 6, both sides should renew their pledge to support the 1954 Geneva Agreements; we agree on that and we have carried this out."

"You said there should be international acknowledgment at an international conference. We have said there should be international guarantee of the agreements, not only for Vietnam but also for Laos and Cambodia."

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XT: "The difference between the 7 points of Madame Binh and our 9 points have been pointed out by Mr. Le Duc Tho. But I would like to point out this very important difference: she only speaks about within Vietnam, but in our 9 points we have raised the question of the whole of Indochina. It is a very important point."

#### Our July 12 Statements

"Point five we accept in principle but not in the language in which it is now drafted. We are prepared to respect the 1954 and 1962 Geneva Accords on the basis of reciprocity applying to all countries. We consider phrases like "U.S. aggression" rhetorical and unacceptable and they must be removed.

"Point six, we accept the principle that the future of Indochina should be settled by the Indochinese parties on the basis of mutual respect for independence, sovereignty, territorial integrity and non-interference in each other's affairs. We think that the last sentence of your point should be removed because contrary to your intentions it implies that you have special rights which I am sure you have no wish to claim."

"We accept points (8 and 9)."

#### Current Situation

There is surface agreement that the Indochinese people should settle their own problems, but no indication as to how they will be settled.

Several issues remain:

- How are the North Vietnamese and other outside forces to be handled?
- How do we involve the other Indochinese parties in a settlement?
- Who are the other responsible parties?
- Will local political agreements have to precede local cease-fires? (Hanoi's position on this differs in Laos and Cambodia.)
- What kind of international supervision will there be in Laos and Cambodia?

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-- What special privileges does North Vietnam have in discussing these things (and, in the case of Cambodia, should Saigon have a voice as it will probably want)?

There is agreement to respect the Geneva Accords but no concrete way to go about this.

There is also agreement on international guarantees, but no agreement on how they will be arranged. We have suggested an international conference, but Hanoi has avoided this issue.

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